

**Before the
Federal Communications Commission
Washington, DC 20554**

FCC 16M-13
10548

In the Matter of)	EB Docket No. 03-152
)	
WILLIAM L. ZAWILA)	Facility ID No. 72672
)	
Permittee of FM Station JBGS, Coalinga, California)	
)	
AVENAL EDUCATIONAL SERVICES, INC.)	Facility ID No. 3365
)	
Permittee of FM Station KAAX, Avenal, California)	
)	
CENTRAL VALLEY EDUCATIONAL SERVICES, INC.)	Facility ID No. 9993
)	
Permittee of FM Station KYAF, Firebaugh, California)	
)	
H. L. CHARLES d/b/a FORD CITY BROADCASTING)	Facility ID No. 22030
)	
Permittee of FM Station KZPE, Ford City, California)	
)	
LINDA WARE d/b/a LINDSAY BROADCASTING)	Facility ID No. 37725
)	
Licensee of FM Station KZPO, Lindsay, California)	

ORDER

Issued: March 30, 2016

Released: March 30, 2016

This ruling relates to *Order FCC 16M-12*, requiring further briefing on the issue of whether entities operating NCE stations in the non-reserved band are subject to the requirements of Section 73.503 of the Commission's Rules ("Qualification Issue").¹


¹ Section 73.503 provides in pertinent part that "[a] noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization" 47 CFR § 73.503(a). "An applicant for an NCE FM

On March 25, 2016, Mr. Michael Couzens filed a Brief in Response to Order: FCC 16M-12 ("Supplementary Brief"). During the Status Conference held on March 29, 2016, Enforcement Bureau counsel, Ms. Pamela Kane, advised that she would not be able to respond by April 8 (the deadline set forth in *Order FCC 16M-12*) to the matters in Mr. Couzens' Supplementary Brief. Ms. Kane advised that she will be out of the country until April 11, 2016, so it was agreed that the Enforcement Bureau's deadline to respond to Mr. Couzens' Supplementary Brief shall be postponed until COB **Friday, April 15, 2016**.

After full discussion at the conference of procedure and remedies available, it was ruled that until the Presiding Judge rules on the pending request of Mr. Couzens to appeal *Memorandum Opinion & Order FCC 16M-01*,² discovery involving Avenal and Central Valley is temporarily stayed.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION³

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is fluid and cursive, with the first name "Richard" and last name "Sippel" clearly legible.

Richard L. Sippel
Chief Administrative Law Judge

station must certify its eligibility to own and operate such station at the time it files its application." *Hammock Envtl. & Educ. Cmty. Servs.*, 25 FCC Rcd 12804, 12807 (2010). The question is whether these requirements apply to an entity operating an NCE station in the non-reserved band, since commercial entities can also operate in this band, unlike LPFM stations or NCE stations in the reserved band.

² Mr. Couzens' request to appeal is based in large part on the Qualification Issue, resolution of which may result in the dismissal of Avenal and Central Valley from this case.

³ Courtesy copies of this Order will be sent by email on issuance to all counsel.